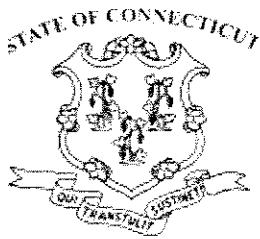


# **EXHIBIT D**



General Assembly

January Session,  
2007

**File No. 440**

Substitute Senate Bill No. 686

Senate, April 11, 2007

The Committee on Public Health reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this section and section 2 of this act:

(1) "Restaurant" means any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. "Restaurant" includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food, but does not include a kitchen in a private home where food is prepared or served and not offered for sale, or a bed-and-breakfast operation that prepares and offers food to the guests if such operation is owner occupied and has the total building occupant load of not more than sixteen persons including the owner and occupants, and has no provisions for cooking or warming food in the guest rooms, and breakfast is the only meal offered.

(2) "Chain restaurant" means a restaurant that is part of a group of ten or more restaurant locations nationally, doing business under the same trade name, offering predominantly the same types of meals, foods or menus, regardless of the type of ownership of the individual restaurant locations.

(3) "Standard printed menu" means a printed menu that is provided by a restaurant to individual customers.

(4) "Authorized agent" means any individual certified by the Commissioner of Public Health to inspect food service establishments and enforce the provisions of section 19-13-B42 of the regulations of Connecticut state agencies under the supervision or authority of the director of health.

(5) "Director of health" means the director of a local health department or district health department approved by the Commissioner of Public Health, as specified in sections 19a-200 and 19a-242 of the general statutes, respectively.

(b) On or before July 1, 2008, each chain restaurant in this state shall make available to consumers the

total number of calories for each standard menu item, as that item is usually prepared and offered for sale by the chain restaurant.

(c) Each chain restaurant that uses a standard printed menu:

(1) Shall list the total number of calories next to each standard menu item in a size and typeface similar to other information included on the standard printed menu about such item.

(2) May include on such menu a disclaimer stating that there may be variations in the total number of calories across servings of standard menu items, based on special orders or slight variations in overall serving size or quantity of ingredients.

(d) Each chain restaurant that uses only a menu board or similar sign to list the food or beverage items it offers for sale:

(1) Shall list the total number of calories next to the item in a size and typeface similar to other information included on the menu board or sign about the item.

(2) May include on such board or sign a disclaimer stating that there may be variations in the total number of calories across servings of standard menu items, based on special orders or slight variations in overall serving size or quantity of ingredients.

(e) Notwithstanding the provisions of subsections (c) and (d) of this section:

(1) For standard menu items that come in different flavors and varieties but that are listed as a single menu item, such as soft drinks, ice cream, pizza and doughnuts, the chain restaurant may list such calorie totals on standard printed menus, menu boards or similar signs listing food and beverages offered for sale by the chain restaurant as follows: (A) The median calorie total for all flavors or varieties if the calorie totals for all flavors or varieties are within twenty per cent of the median, or (B) the total calorie range for all the flavors or varieties of that menu item, listed from the lowest to the highest value.

(2) If a chain restaurant provides a salad bar, buffet line, cafeteria service or similar self-serve arrangement, the chain restaurant shall not be required to list calorie totals for such items on a standard printed menu, menu board or similar sign listing food and beverages offered for sale by the chain restaurant, but may, instead, list such calorie totals in close proximity to where the items in such arrangement are offered for sale, in a size and typeface that is prominent and legible to customers selecting items from such arrangement.

(f) This section does not apply to (1) daily specials and other food or beverage items offered for sale by a chain restaurant for thirty days or less, or (2) condiments and other food items placed on tables or counters for general use without charge, such as bread.

Sec. 2. (NEW) (*Effective July 1, 2008*) For the purpose of enforcing the provisions of section 1 of this act, each director of health, authorized agent or registered sanitarian shall, as part of the inspection of a chain restaurant, evaluate whether standard printed menus, menu boards or other similar signs listing food and beverages offered for sale by the chain restaurant contain the calorie totals required under section 1 of this act. As part of such evaluation, the director of health, an authorized agent or a registered sanitarian may request that franchisors or corporate owners of chain restaurants provide

documentation of the accuracy of any listed calorie totals, but the director of health, authorized agent or registered sanitarian shall not be responsible for verifying the accuracy of the listed calorie totals.

Sec. 3. Section 19a-36a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2007):

(a) The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, to assure that food service establishments employ as food operators persons who have a knowledge of safe food handling techniques and to set requirements for the employment of food operators by such establishments. Such regulations shall include, but not be limited to, responsibilities of food service establishments and their employees, exemptions for certain classes of food establishments and responsibilities of local health departments in monitoring compliance of food establishments.

(b) On or before January 1, 2008, the Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, incorporating inspection and enforcement procedures for the requirements established in section 1 of this act into regularly scheduled food service establishment inspections. Such regulations shall establish (1) weighted point values for each such requirement, (2) a minimum acceptable rating score for such requirements, and (3) enforcement procedures for chain restaurants that fail to meet the minimum acceptable rating score for such requirements.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2007	New section
Sec. 2	July 1, 2008	New section
Sec. 3	July 1, 2007	19a-36a

**PH**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

#### **OFA Fiscal Note**

##### **State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Public Health, Dept.	GF - Cost	15,760	None

Note: GF=General Fund

##### **Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	Revenue	None	Potential